

ORIGINAL

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 02 2022 ★

BROOKLYN OFFICE

Lucio Celli
89 Widmer Road
Wappingers Falls, New York 12590
718-547-9675

UNITED STATES COURT OF THE
SOUTHERN DISTRICT OF NEW YORK

LUCIO CELLI,

Petitioner,

vs.

Case No.:

JURY

CV 22-4646

KOMITEE, J.

BLOOM, M.J.

JUDGE ENGELMAYER,¹ JUDGE SWAIN,²
JUDGE LIVINGSTON,³ YANA SEGAL,⁴
CATHERINE O'HAGAN-WOLFE,⁵ PATRICK
FIN,⁶ AG GARLAN⁷, AUSA PEACE⁸,
ANTHONY,⁹ AUSA KARAMIGOUS,¹⁰ AUSA
BENSING,¹¹ OFFICER LOMBARDO, MS.
WEINRAUCH, MS. KELLAMAN, MR.
PEREZ AND MR. SILVERMAN

1. I bring this action as injunction for probation, Ms. Kellman, Mr. Silverman and Mr. Silverman for depriving me access to the court, which is illegal under 18 USC 18 USC § 241 because, according to Judge Engelmayer, "it was planned this way" and Ms. Kellman said, "the judge told me to make sure you are placed in a mental institution with the Judge Engelmayer saying, "I called Ms. Kellman especially for you."

¹ Judicial Immunity from Oct. 16, 2020 to April 5, 2021, but Judge Engelmayer lost judicial immunity/capacity when he practiced law on April 6, 2020—but whomever is assign will decide ultimately

² Judicial Immunity

³ Judicial Immunity

⁴ As a clerk, she is entitled to Judicial Immunity

⁵ As a clerk, she is entitled to Judicial Immunity

⁶ As a clerk, he is entitled to Judicial Immunity

⁷ Prosecutorial Immunity

⁸ Prosecutorial Immunity

⁹ Judge Engelmayer's clerk, which I do not know his last name, but he is entitled to judicial immunity

¹⁰ Prosecutorial Immunity

¹¹ Prosecutorial Immunity

2. Judge Engelmayer said, "you will never receive justice here" on April 6, 2021
3. Judge Engelmayer planned it with the helped of Ms. Kellman
4. My brother has emailed Ms. Kellman that over 90 AUSAs know of her misconduct and once they hear what she did on May 4, 2022, they will know that she obstructed justice by not calling Mr. Silverman and 90 AUSAs who have the audios of Judge Engelmayer bullying me or Mr. Silverman saying that he did not do his job because of Randi Weingarten
5. Ms. Kellman informed the judge that she was prepared for May 4, 2022, but the audios prove that Ms. Kellman told me that she was not reading anything beyond the special condition.
6. Ms. Kellman knew that AUSA Karamigious suborned perjury
7. Ms. Kellman knew that Officer Lombardo committed perjury and wrote a false report
8. Ms. Kellman has not answered me in a month and half about any issue
9. I told Ms. Kellman to inform the judge, but he knows it because it planned it, that perjury was committed to obtain the decision with a false report—which was told her prior March 22, 2022, and she did nothing
10. I told Ms. Kellman to inform the judge that I do not trust her and see the reasons below
11. I provided Mr. Silverman with documents to maintain my claim that Ms. Kellman did not do anything and over 90 AUSAs knows of her misconduct
12. I told probation to get me a date with the judge and they impeded me from the court.
13. Judge Engelmayer said, "I told him (Lombardo) not to write what Mr. Silverman did because I am protecting him," which is obstruction of justice because Mr. Amundson and others at the DOJ have Mr. Silverman saying he won't file my criminal complaints
14. Mr. Lombardo was to tell his supervisors and his supervisors were to tell Judge Livingston
15. Officer Weinrauch knew that Officer Lombardo lied about me wanting Lombardo to investigate Judge Engelmayer ...I said to forward the audio of in person court audio to Chief Livingston
16. Prior to May 4, 2022, I sent all some of the audio that are on my computer that probation has,; therefore, 90 AUSAs know that probation committed a crime under 18 USC § 1804
17. The audios sent were from the "Ms. Kellman" file, but there is another file called Federal recordings that probation should have sent to Judge Livingston
18. Many of the DOJ personnel said that my rights were being taken for Randi Weingarten and that she someone fixing cases against you
19. Sen. Schumer has repeatedly said, "Randi is like a sister to me"

1 20. Betsy Combier played me an audio recording of Randi Weingarten paying
 2 Judge Marrero (Schumer) received \$10,000 dollars to hide Randi Weingarten's
 3 misconduct in c Case No. 1:08-cv-00548-VM-AJP and caption was called
 4 Teacher4action v. Bloomberg et al, therefore the assumption that this judge
 5 received the same payment to help hide Randi Weingarten's conduct because
 6 EVERYONE, EVERYONE outside the 2d. Cir. knew Randi Weingarten and
 7 Judge Cogan committed crimes and that the AUSAs of EDNY were helping .

8 21. Except for Judge Cooper, all judges that I have had were recommended by Sen.
 9 Schumer

- 10 a. Judge Engelmayer lied about his association and called me stupid and
crazy
- 11 b. Judge Donnelly lied at first, but once I reminded her of thier duagthers
going to school together, then her memory came back
- 12 c. Judge Swain, she ignored the question
- 13 d. Judge Seibel and Judge Matsumoto, they ignored the fact that Sen.
14 Schumer was listed and Judge Matsumoto was told about recusal
- e. Judge Brodie, Judge Livingston, etc, they did not state their assocation

15 22. Many DOJ that AUSAs of EDNY and judges were helping Randi Weingarten
 16 and I had to figure out who it was because they are going out of their way to
 17 protect her and retaliate against me for her ...Sen. Schumer is the person that I
say it is.

18 23. I never had to pay anyone for their opinion or get a senator to help me, like
 19 Randi Weingarten and EVERYONE knows that the system is helping
 20 her, which is the reason they are hiding details, which I have pointed out below
 because my lawyer, AUSA Karamigious hid the facts how they helped Randi
 Weingarten

21 24. The motions sent to Mr. Silverman, Mr. Perez and Ms. Kellman, they were sent
 22 to Ms. Kopplin of the Senate Ethics Committee and Mr. Amundson

23 25. Mr. Perez and Ms. Kellman have not answered me and are depriving me access
 to the court

24 26. Mr. Silverman answered but he is claiming that so many were sent to him that
 he does not know...only 3 there sent to him, which was audio recorded.

25 27. The motions to deal with new counsel because I do not trust Ms. Kellman, stay
 26 of the order of evaluation because of the misconduct of the government and my
 27 lawyer (unfair hearing based on perjury and false report), and one that I do not
 28 remember.

1 28. Judge Swain knows that Judge Engelmayer uses Ms. Kellman to deprive people
2 of liberty, as I found a few cases that kind of like mine, but the complaints are
3 not detailed on how they deprived them of liberty, but I understood them to be
4 claiming deprivation of liberty without due process of the law

5 29. Clerk Segal and Clerk Fin each know that I have audios to prove my allegation
6 of intimidation and that Judge Engelmayer edited him saying, "I'll tell you your
7 intent."

8 30. Clerk Wolfe has not answered me in 3 year about missing documents, like the
9 Judge Cogan's misconduct that I do have over 80 DOJ (like AUSA Gold)
10 saying Judge Cogan committed a crime against me with borderline IG students
11 who know that Judge Cogan used his office for the UFT.

12 31. Now, Judge Engelmayer said, "it was planned this way." **THEREFORE**, are
13 knowingly covering up Judge Engelmayer's conduct

14 32. The clerks know that Mr. Perez did not write a brief for me and that a crime is
15 being covered up .

16 33. Anthony, Judge Engelmayer's clerk, knows that the judge intimidated me,
17 allowed Mr. Silverman to commit crimes against me, per AUSA Shaw, and
18 deprive me a fair trial

19 a. Anthony was to notify Chief Judge Livingston and I have DOJ personnel
20 also said they that is what he needed to do

21 22 23 24 25 26 27	Supposed violation	The truth with audios sent to every single AUSA in the country—the statements below should appear on the transcripts, if Judge Engelmayer did not edit them, since he has that dirty habit
28	I informed Judge Engelmayer that I would place a rule 60, under Full and Fair Credit Clause before Judge Cogan A. Judge Cogan wrote the briefs that the arbitrator quoted	A. I told Judge Engelmayer on Dec. 1. 2021 with Full and Fair Credit Clause with facts of Judge Cogan's knowledge"

1	B. Judge Cogan negotiated the CBA for	B. The judge approved that I
2	the UFT, while at Strook for over 20	could file under terms
3	years	explained
4	C. Both Judge Engelmayer and AUSA	C. Mr. Silverman viewed for
5	Karamigious said I had no business	threats, and he said they had
6	on a close docket	none
7		D. The top Court of NYC state
8		that arbitration are enforceable
9	I informed Judge Engelmayer that I would	A. I told Judge Engelmayer on
10	place a rule 60, under Full and Fair Credit	Dec. 1, 2021 with Full and Fair
11	Clause before Judge Matsumoto	Credit Clause because the
12	A. Both Judge Engelmayer and AUSA	court below the top Court of
13	Karamigious said I had no business	NYC said verbal contract
14	on a close docket	written in an email are
15	B. And the judge wrote that she would	enforceable
16	not accept any more filings in this	B. I informed the judge that the
17	case	judge would have to guess
18		how the top court would rule
19		C. I explained that, which Judge
20		Engelmayer and the AUSAs
21		know too, that Betsy misuses
22		her 503(b) nonprofit
23		foundation for the for profit
24		paralegal business, which the
25		evidence is on Judge
26		Engelmayer's docket and
27		Judge Matsumoto's docket
28		

	D. I told both judges that the collection of taxes is not a judicial act or a prosecutorial act, but a ministerial act that provides no discretion
<p>I told Mr. Silverman did not file my criminal complaints</p> <p>A. Judge Engelmayer said, I don't care</p> <p>B. I told Mr. Lombardo not to write what Mr. Silverman did, as means to protect him</p>	<p>Audio sent to Ms. Kopplin of the Senate Ethics Committee, Mr. Lombardo and is supervisors, and Mr. Amundson</p>
<p>1. March 8, 2022, Judge Engelmayer informed me that he called Ms. Kellman, Esq. and told her why he needed her for this case—remember audio sent to everyone</p> <p>2. On or around March 15, 2022, Ms. Kellman told me and Ms. Nephew what the judge wanted her to do, which was make sure that I get placed in a mental institution—this was NEVER said by Judge Engelmayer in front of me because I have it audio recorded and all AUSAs have the same audio. THEREFORE, this instruction came from Judge Engelmayer well they spoke on the phone prior March 8, 2022—I was not told the date they spoke</p> <p>3. I informed Mr. Lombardo with his supervisors, Ms. Kopplin, Mr. Amundson about the transcripts because Judge Engelmayer explained them. See Exhibit B</p> <p>4. On May 4, 2022, Judge Engelmayer said, “everything was planned this way,” which he made him appear happy</p>	

1 5. On May 4, 2022, Ms. Kellman, in front of Mr. Silverman, said, "I committed
2 misconduct, I can't do anything about it because the judge knows too
3 because, as you see, he knew that the AUSA and officer committed
4 misconduct, as he said "it was planned this way.

5 6. I asked Judge Engelmayer about Mr. Silverman's statement of not doing his
6 job for Randi Weingarten and Officer Lombardo, I told him not to write
7 about Mr. Silverman and you should understand by now, I have been
8 protecting him too

9
10 Violation Hearing

11 On May 17, 2022, my brother emailed
12 the following: (their lack of action is
13 what Judge Engelmayer said was part
14 of the plan)

15
16
17 Lastly...are you going to tell
18 the judge that the AUSAs and Ms.
19 Kopplin have the audio recording of
20 you telling me that you did not read
21 the email that contained everything
22 that you needed to review and
23 obtain for the violation hearing? Or
24 you telling me that the judge told
25 you not to do anything—as he
26 NEVER said this in front of me and
27 ...I know you are not going to tell
28 the judge this, for sure, but you are
required to tell the judge because
the fact is, they have the audios of
you and I speaking and your
misconduct caused my situation—

1 as you allowed the government to
2 use a false report, perjury, use the
3 transcript/audio of July 20th and
4 did not witness to support that I did
5 submit the filings in the manner in
6 which Judge Engelmayer explained
7 on July 20, 2022

8
9 On June 2, 2022, I wrote to Ms.
10 Kellman and Mr. Lombardo (their lack
11 of action is what Judge Engelmayer
12 said was his plan)

13
14
15 **(everyone is responsible, but**
16 **Ms. Kellman is especially**
17 **responsible for making this**
18 **happen) I have asked to appear**
19 **in court to present my audios**
20 **sent to AUSAs to create a**
21 **record of Ms. Kellman's**
22 **misconduct—which the root of**
23 **my distrust, according to AUSA**
24 **Shaw—withholding information**
25 **that maintained my liberty is**
26 **a crime, which is what she**
27 **said about MR. Silverman, the**
28 **fact that Officer Lombardo**
with his Supervisor Ms.
Weinrauch wrote a false
report—which is a denial of
due process and Ms. Kellman
knows this with her
40approved years of
experience.

1 **Please Take Notice**, it appears
2 that this is not the first
3 time that the judge and Ms.
4 Kellman pulled this move.
5 Where did not NOTHING, does
6 answer the defendant, and does
7 what judge told her what to
8 do.—Ms. Kellman remembers the
9 name because she was sued but
10 it was dismissed

11 **Please Take Notice**, these were
12 all sent to AUSAs

13 1.Judge Engelmayer said, "I
14 called Ms. Kellman myself to
15 represent you." On March 8,
16 20022

17 2.Ms. Kellman said, "the judge
18 told me only do what I had to
19 do to make sure that you are
20 placed in a mental institution
21 for mental health" I have to
22 check the date but it occurred
23 between March 8, and March 22
24 and Ms. Nephew was on the
25 call

26 3.May 4, 2022 Ms. Kellman
27 said, in front of Mr.
28 Silverman, I committed
misconduct and I judge knows
it and there's nothing I can
do it. (not sent to anyone)

To Mr. Silverman, it's been
over two weeks—did you clear
the document for threats or
file a complaint against Ms.
Kellman because she KNOWINGLY
screwed me over, lied to the
judge, and for being a NASTY
human. I need you to write to
the judge and tell him that I

JURY - 9

1 do not trust Ms. Kellman, for
2 cause, because she was not
3 prepared and intentionally
4 screwed me over because,
5 according to her, the judge
6 told her to do nothing but
7 placed in a mental
8 institution

9 **To Mr. Lombardo,** did you
10 approve me using the internet
11 on June 13 because that is
12 what I was told today by my
13 NYSUT attorney, which I forgot
14 to ask you today? Or tell
15 the judge of Ms. Kellman not
16 putting in that I do not trust
17 her, I prefer a crackhead than
18 her...I can forgive a crackhead
19 for lying and screwing me over
20 intentionally

21 **To Ms. Weinrauch,** please
22 inform the judge that I do not
23 trust Ms. Kellman and the fact
24 94 plus AUSAs knows of your
25 misconduct, that you approved
26 a false report, aided Mr.
27 Silverman by not reporting
28 what he did, as it was sent to
you, MS. Kopplin, and Mr.
Amundson or the miscount of
Ms. Kellman...the AUSAs have the
knowledge which I provided you
case law

To Mr. Perez, you have not
answered question to appeal
the decision, which I can and
provide them with audios sent
to AUSAs because there is an
audio that contains proof that
of what the judge did to edit
because it relates to 28 USC §
454

JURY - 10

Below is the letter sent over a week ago and issues that Ms. Kellman does not address because she is KNOWINGLY committing a crime.

I have asked you to file a items to protect me

I told you that I do not trust you and I requested a hearing so that I can present that you were prepared on any date and you treated me like shit, as 94 AUSAs have this evident with the lies that you told me;

94 AUSAs know of your misconduct and that of the government.

I do not trust you 94, a crackhead can be trusted

Mr. Lombardo and Ms. Winrauch..I need you set up a meeting with the judge, so that I could call 94 AUSAs because they know of Ms. Kellman's criminal conduct and dthe government committed perjury, 94 AUSAs KNOW that Judge Engelmayer allowed it ...please see the case law below because it is not what Mr. Silverman wrote but what the

JURY - 11

1 judge told me on July 20,
2 2021—which is what I
3 referenced numerous times

4
5 There are filings like
6 mandamus to correct the fact
7 that the judge lallowed
8 perjury, he there is an
9 appearance of collusion
10 between the Ms. Kellma
11 and the judge and
12 allowed Kellman to commit a
13 crime and not be prepared for
14 May 4—which I have audios

15 I appreciate the response
16 towards my inquiry on
17 medication. If the issue is me
18 bringing the medication to the
19 FMC, then I am ok with it.
20 However, I brought my,
21 medication on the day that I
22 was arrested, on Nov 14, 2018,
23 and I did not receive my
24 medication for 5 days because
25 MDC Brooklyn had to figure out
26 what medication I required, so
27 I have a little anxiety over
28 this issue. They sent my
medication home with my
clothes and shoes, following
my illegal detention and this
was when I arrived at MDC
Brooklyn, as the US Marshals
gave me my medication while I
waited for arraignment, at
EDNY courthouse.

JURY - 12

1
2
3 What about the issues below,
4 as I would like them to be
5 included in the letter to the
6 judge this Friday—are you
7 going to include them?

8 I only had a detention hearing
9 probable cause hearing, please

10 I cannot go further with you b
11 you intentionally excluded evi
12 that there is a breakdown in c
13 communication and ignore my ri

14 Because there are documents th
15 the 60 days are over and I kno

16 You have done enough damage to
17 I cannot find the Supreme Cour
18 you and all AUSAs that you are
19 Engelmayer explained the speci
20 2021. The way Mr. Silverman w
21 government presented, but you

22 On remand, the district court
23 judgment conforms with its ora
24 States v. Bates, 213 F.3d 1336
25 sentence pronounced orally and
26 the written order of judgment,

27 United States v. Perkins, 935
28 (explaining a condition may be
factors)

As I said perjury and subornat
government

JURY - 13

Please motion the judge to have all my sessions with the psychiatrist/psychologist be videoed, as means to have an independent psychiatrist/psychologist to review their findings—if necessary.

I know I saw this either in a statute or case law from the Supreme Court or both

Independent Evaluation for sentencing before or after Bunter or whatever FMC that I am sent too

18 USC § 3006

(e) Services Other Than Counsel.—

(1) Upon Request.—

Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for adequate representation may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court, or the United States magistrate judge if the services are required in connection with a matter over which he has jurisdiction, shall authorize counsel to obtain the services.

I do not know if the judge will allow this or if the government will object, but please motion the judge if I could surrender myself directly to Bunter vs the US Marshal and return from Bunter in the same manner—it is either yes or no.

a. This would mean I would provide my own transportation

b. I assume that I would have to go by Amtrak and then a bus due to ankle bracelet.

c. I would provide the court with receipt of ticket for Amtrak and bus ticket prior to leaving, if approved

In the order, the judge wrote quickest way to transport me to an FMC institution, so I do not see the problem because I will surrender myself to any FMC that is told me to go for 60 days.

Plus, I get 3 points reduction if I show at the BOP on my own accord—this is only for the BOP and nothing else

In Mosely, 277 F. Supp. 3d at 1300, the defendant opposed being transported and committed to the BOP facility for the mental-health evaluation...put in both but I only oppose the transportation

Count 1

1. Those with judicial immunity and prosecutorial immunity provide me equal protection of laws, place a stay on the evaluation, stay on going to FMC Kentucky, and provide me with a new hearing with a new judge, so that I provide audios and witnesses to support that I did not violate anything and Judge Engelmayer planned, as he stated
2. To provide me with a fair trial and hearings
3. For the AUSAs of EDNY to stop conspiring with Judge Engelmayer, Judge Cogan and Randi Weingarten to deprive me rights, which I do have AUSAs saying this
4. For senior leadership of the AUSAs of EDNY, they need to deal with AUSA Karamigous and AUSA Bensing making misrepresentation to the court (see docket) and presenting false report from law enforcement, as 90 AUSAs around this country have the audios to know Officer Lombardo wrote a false report
5. Judge Livingston to deal with all my CJA lawyer and Federal Defender, but Ms. Kellman and Mr. Silverman should not be allowed practice anywhere in

the 2d. Cir. because AUSA Shaw said that he committed crimes against me and Ms. Kellman committed the same crime by not presenting evidence AND she admitted that she the only thing that she was going to do for me was place me in a mental institution because Judge Engelmayer said so and Judge Engelmayer said, "it was planned this way."

6. Judge Livingston to deal with the misconduct of probation, as it is also criminal conduct to deny be a fair hearing, deprive access to the court and not report a crime

7. Judge Livingston to deal with the misconduct of the clerks for not docketing my papers and helping judges. Clerk Young, I was told committed a crime by AUSA Gold and she also said that Clerk Wolfe taking time to answer about the missing document means she was one who did not document them.

8. In both petitions that Judge Swain dismissed, the petitioners each claimed that Ms. Kellman did not communicate with them, did not anything for them or do any filings for them

a. **Please Take Notice**, there have been lawyers who have been discipline for this conduct, but in each opinion, Judge Swain allowed Ms. Kellman to get away with it

b. **Please Take FURTHER Notice**, in the 2nd Dept, there have been lawyers for this

c. **What is the most interesting**, both cases were Ms. Kellman and Judge Engelmayer—and Judge Engelmayer said, he called Ms. Kellman especially for him.

Count 2

9. 42 USC § 1983 claim against Judge Engelmayer, Mr. Perez, Ms. Kellman, Mr. Silverman, Officer Lombardo, AUSA Karamigious, as they conspired to

